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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 02 2004

OFFICIAL

Applicant(s): Catt

Application No.: 09/655,355

Filed: 9/5/2000

Title: Fertility Computing System and  
Method

Attorney Docket No.: IMIN.P-039

Group Art Unit: 1743

Examiner: J. Snay

Assistant Commissioner for Patents

Washington, D.C. 20231

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR  
REVIVAL OF ABANDONED APPLICATION

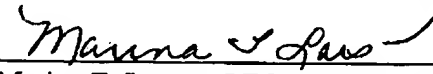
Dear Sir:

Responsive to the Notice of Abandonment mailed July 9, 2003 for the above-referenced application, Applicants request withdrawal of an incorrect holding of abandonment or revival of the application as unintentionally abandoned.

The Notice of Abandonment states that no proposed formal drawing have been received in response to a drawing requirement in the Notice of Allowability. Applicants respectfully note that there is no requirement in the Notice of Allowability mailed December 17, 2002. Thus, this basis for abandonment of the application is incorrect, and the abandonment should be withdrawn.

There is in the Notice of Allowability a requirement for a substitute declaration. Applicants attorney discussed this matter by telephone with the Examiner prior to the payment of the issue fee and it was believed that the requirement had been withdrawn as in error. However,

I hereby certify that this paper and any attachments named herein are transmitted to the United States Patent and Trademark Office, Fax number: (703) 872-9306 on January 2, 2004.

  
Marina T. Larson, PTO Reg. No. 32,038

January 2, 2004  
Date of Signature

no interview summary was entered by the Examiner indicating the conclusions in this conversation, or establishing any additional requirements for the Applicants.

The stated reason for the assertion of a defective oath was the reference to an application filed January 11, 1996. The Examiner states that no such application exists in the chain of parent applications related to this application. As explained in the telephone conference with the Examiner, Applicants respectfully disagree with this assertion. The chain of applications in this case as reflected in the records transferred to the undersigned attorney is as follows:

US 08/266,776 filed June 29, 1994

US 08/338,141 filed November 9, 1994

US 08/532,457 filed September 22, 1995, now US Patent No. 6,451,619

US 08/583,966 filed January 11, 1996,

**a copy of the declaration in this case was filed in:**

US 08/924,810, filed September 5, 1997

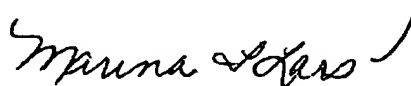
**and again in this case, which is**

US 09/655,355, filed September 5, 2000.

US 08/583,966 is listed in the PAIR system as a child application of 08/532,457 and also of US 08/338,141. Patent office procedures allow filing of copies of declarations from parent cases were relied on in each of the latter two filings. Thus, the reason for the Examiner's assertion that the declaration is incorrect is not clear, and the application should have proceeded to issuance. Since this was explained to the Examiner, Applicants submit that the holding of abandonment is in error. In the alternative, Applicants request revival of the application as unintentionally abandoned. The undersigned certifies that there is not now and has never been an intention to

allow abandonment of the application. In the event revival of the application is deemed appropriate, the Commissioner is authorized to charge the fee for revival to Deposit Account No. 15-0610.

Respectfully submitted,



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